



Item 05-03e
(011320)

**STATE OF CONNECTICUT
JUDICIAL BRANCH**

COURT OPERATIONS DIVISION

OFFICE of CHIEF DISCIPLINARY COUNSEL

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October 11, 2019

Joseph J. Del Ciampo, Esq.
Director of Legal Services
Connecticut Judicial Branch
100 Washington Street, 3rd Floor
Hartford, CT 06106

RE: Practice Book Changes Proposed by the Office of the Victim Advocate

Dear Attorney Joseph J. Del Ciampo:

I have reviewed the proposal of The Office of the Victim Advocate dated March 20, 2019. I am responding to identify how these proposals relate to the work done by the Office of the Chief Disciplinary Counsel. Numbered paragraph one of the proposal seeks to amend Rule 3.8 of the Rules of Professional Conduct by adding a new section that requires the prosecutor to make reasonable efforts to ensure the victim, or the parent, guardian or counsel of such victim, has been advised of their rights and the procedures for exercising such rights in criminal matters. Numbered paragraphs two and three of the proposal add specific procedures regarding notice and an opportunity to be heard to Practice Book, Chapter 30a - Delinquency and Family with Service Needs Hearings. Numbered paragraph four proposes a change to the Practice Book, Procedure in Criminal Matters, section 39-7 - Notice of Plea Agreement, that requires notice of a plea agreement be given to the victim. Finally, the proposal in numbered paragraph five amends the foregoing sections in numbered paragraphs two through four as well as Practice Book Section 43-10(2) to preclude finalizing a criminal disposition unless the victim has been notified and given an opportunity to be heard.

I am not aware of a grievance filed against a State's Attorney for failure to protect a crime victim's rights where probable cause has been found and the matter referred to my office within the last three years. However, it could very well be that such a

grievance was referred to a local panel of the Statewide Grievance Committee and dismissed upon the finding of no probable cause. It should be noted that the proposals set forth in numbered paragraphs two through five amend the Practice Book procedures in juvenile and criminal cases. This would accomplish the stated goal of ensuring that a crime victim is properly noticed of each stage of the proceedings. The proposal in numbered paragraph one is a change of the Rules of Professional Conduct and its violation may be considered misconduct and prosecuted by this office. The victim advocate correctly points out that presently, a violation of a provision of the Practice Book may be a violation of Rule of Professional Conduct 8.4(4) - Engage in conduct that is prejudicial to the administration of justice.

Please feel free to contact me should you have any questions.

Very truly yours,



Brian B. Staines
Chief Disciplinary Counsel

BBS